

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HERITAGE GUITAR, INC.,

Case No. 20-cv-229

Plaintiff,

Honorable Hala Y. Jarbou

v.

Magistrate Judge Ray Kent

GIBSON BRANDS, INC.,

Defendant.

---

**PLAINTIFF'S MOTION TO EXCLUDE THE EXPERT TESTIMONY OF MIKE ROCK  
RELATING TO MARKET DEFINITION AND MONOPOLY POWER**

Pursuant to Federal Rules of Evidence 702 and 703 and *Daubert v. Merrell Dow Pharms, Inc.*, 509 U.S. 579 (1993), Plaintiff Heritage Guitar, Inc. ("Heritage") respectfully moves for an Order of the Court excluding the report, opinions, and testimony of Mike Rock relating to market definition and monopoly power. Heritage incorporates by reference its Memorandum in Support of the Motion to Exclude the Opinions of Mike Rock Relating to Market Definition and Monopoly Power, filed herewith.

Dated: September 19, 2022

Respectfully submitted:

By: /s/ Mark A. Ford  
Mark A. Ford  
Mark G. Matuschak  
Vinita Ferrera  
Allyson Slater  
Holly Ovington  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6559 (t)  
(617) 526-5000 (f)  
mark.matuschak@wilmerhale.com  
vinita.ferrera@wilmerhale.com  
mark.ford@wilmerhale.com  
allyson.slater@wilmerhale.com  
holly.ovington@wilmerhale.com

Jared D. Hoffman  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
jared.hoffman@wilmerhale.com

Gary J. Mouw  
(P69236)  
VARNUM LLP  
333 Bridge Street NW Suite 1700  
Grand Rapids, MI 49504  
(616) 336-6000  
gjmouw@varnumlaw.com

*Attorneys for Plaintiff Heritage Guitar, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of September, 2022, the foregoing Motion to Exclude the Opinions of Mike Rock was electronically served and filed by use of the court's EC system.

/s/ Mark A. Ford \_\_\_\_\_

Mark A. Ford